

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

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**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Applicant's or agent's file reference P23355PCAU		Date of mailing (day/month/year) 1 FEB 2005
International application No. PCT/AU2004/001668	International filing date (day/month/year) 29 November 2004	Priority date (day/month/year) 28 November 2003
International Patent Classification (IPC) or both national classification and IPC <b>Int. Cl.</b> <sup>7</sup> F01L 9/02		
Applicant BUSCHKUEHL, Thomas Friedhelm		

**1. This opinion contains indications relating to the following items:**

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the IPEA/AU <b>AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929</b>	Authorized Officer <b>KURT TOBLER</b> Telephone No. (02) 6283 2469
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/001668

**Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - in written format
    - in computer readable form
  - c. time of filing/furnishing
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

**International application No.**

PCT/AU2004/001668

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
1. Statement	
Novelty (N)	Claims 2, 5, 9-13 YES
	Claims 1, 3, 4, 6-8 NO
Inventive step (IS)	Claims 2, 5, 9-13 YES
	Claims 1, 3, 4, 6-8 NO
Industrial applicability (IA)	Claims 1-13 YES
	Claims NO

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## 2. Citations and explanations:

Novelty (N) Claims 1, 3, 4, 6, 7, 8

- (a) DE 3911495 C1
- (b) US 6321703 B1
- (c) WO 2003/106820 A1

Citation (a) discloses all the features of these claims. For example, see:

- Reciprocating piston piston 5 ( Figure 1)
- First fluid supply path port 11 ( Figure 1)
- First fluid drain path port 13 ( Figure 1)
- One poppet valve valve 1 ( Figure 1)
- Aperture aperture for piston connecting rod 6b ( Figure 1)
- Seal piston connecting rod 6b (best seen in Figure 2)
- High pressure reservoir accumulator 34 ( Figure 1)
- Controlled deceleration of valve Column 4 line 68 to Column 5, line 8.

**Inventive Step (IS) Claims 1, 3, 4, 6, 7, 8**

As above.